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8                    UNITED STATES DISTRICT COURT
                   WESTERN DISTRICT OF WASHINGTON
9                          AT TACOMA

10   WILLIAM LAUER, individually and as the
     Personal Representative of the Estate of
11   SHIRLEY LAUER,

12            Plaintiff,                              Case No. C06-5124FDB

13        v.                                         ORDER DENYING PLAINTIFF'S
                                                     MOTION TO ADD ADDITIONAL
14   EXTENDICARE HOMES, INC., a Delaware             DEFENDANT AND TO REMAND
     corporation; and EXTENDICARE HEALTH
15   NETWORK, INC. , a Delaware corporation,

16            Defendants.

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         Plaintiff seeks to join a non-diverse defendant followed by remand of this cause of action to
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     Thurston County Superior Court, whence it was removed.  Plaintiffs assert that they only now
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     learned, through discovery, the identity of the nurse whom they allege failed to give Shirley Lauer
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     certain medication and that they cannot obtain complete relief without her being joined.   Defendants
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     object to joinder arguing that (1) Plaintiff could have named a "Jane Doe" defendant in the original
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     complaint; (2) the Court should exercise its discretion and deny a diversity-destroying amendment
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     because Plaintiff can recover from Defendants for any alleged misconduct of the nurse, and the
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     statute of limitations has not run on this cause of action, among other things.
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26   ORDER - 1

1    This cause of action was properly removed.  Now that a non-diverse defendant is sought to

2  be added, there are two options under 28 U.S.C. § 1447(e): deny joinder or permit joinder and

3  remand this matter.  Because joint tortfeasors and principals and agents are not indispensable parties

4  required to be joined, 4 *Moore's Federal Practice* ¶ 19.06[1], and giving consideration to the other

5  factors cited by Defendants, the joinder of Laura Copperwheat is denied, rendering the request for

6  remand moot.

7    ACCORDINGLY, IT IS ORDERED: Plaintiff's Motion To Join Defendant And Remand To

8  State Court [Dkt. # 9] is DENIED.

9    DATED this 7th day of April, 2006.

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12   FRANKLIN D. BURGESS
     UNITED STATES DISTRICT JUDGE

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26  ORDER - 2